IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

MICROSOFT CORPORATION,)
a Washington corporation,)
Plaintiff,)
v)) 3:04-cv-353
V.) 3.04-67-353
SAMUEL SELLERS, an individual)
d/b/a SAVE MORE SALES a/k/a SAVE)
MORE COMPUTERS, and SAMUEL)
SELLERS, an individual,)
Defendants.)

MEMORANDUM AND ORDER

Plaintiff has moved to strike defendants' response to Microsoft Corporation's (Microsoft) summary judgment motion [Doc. 36]. While the response was untimely and defendants did not request permission to file the response late, the court will accept the response and consider it. Accordingly, Microsoft's motion to strike is **DENIED**. As this case proceeds, defendants are **WARNED** to strictly follow all pertinent rules; the court may not be inclined to be so magnanimous in the future.

IT IS SO ORDERED.

ENTER:

s/Thomas W. Phillips

UNITED STATES DISTRICT JUDGE